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Baka, Anthony Welch and Tom Schweiger.
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9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN MARIANA ISLANDS
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12 RANDALL T. FENNELL,

13 Plaintiff,

14 vs.
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16 MATTHEW T. GREGORY, former
Attorney General, GREGORY BAKA,
17 Acting Attorney General, ANTHONY
WELCH, Assistant Attorney General,
18 TOM J. SCHWEIGER, Assistant Attorney
General, and DOES 1-20, in their official
19 and individual capacities,

20 Defendants.
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CIVIL ACTION NO. 09-0019

**DEFENDANTS' NOTICE OF
CORRECTION TO THEIR MOTION TO
DISMISS.**

NOTICE OF CORRECTION TO DEFENDANTS' MOTION TO DISMISS.

On July 31, 2009, defendants in the above-captioned case filed their Motion to Dismiss. Counsel for defendants included an argument that the Commonwealth Employees' Liability Reform and Tort Compensation Act of 2006 (the "Act") did not have an ex post facto provision. This was error, and Counsel for Defendants apologizes to the Court for the inadvertent error.¹ As demonstrated in both the Plaintiff's Opposition to the Motion to Dismiss and the Defendants' Reply thereto, however, Mr. Fennell's due process complaint stems from a conflict-free representation claim rather than any rights flowing from the Act. Regardless, I am embarrassed by this oversight and apologize to the Court and to Mr. Fennell for the error.

Respectfully submitted
September 9, 2009
OFFICE OF THE ATTORNEY GENERAL

/s/
Braddock Huesman, F#0367

CERTIFICATE OF SERVICE

I certify that a copy of Defendants' Motion to Enlarge Time was served on Mark Hanson who is the attorney in charge for plaintiff, Mr. Fennell, and whose address is PMB 738, PO Box 10000, Saipan, MP 96950, (670) 233-8600, by electronic filing on September 9, 2009.

/s/
Braddock J. Huesman

¹ Counsel's hard copy of the Act was, apparently, missing two pages. Moreover, and to my embarrassment, I didn't read the electronic copy I pulled off of the Law Revision website.